

Elements of Attorney Regulation in Michigan and Elsewhere:
Presentation by Janet Welch, Executive Director, State Bar of Michigan
Prepared by Jeremy Kress

Janet Welch opened her presentation by identifying two common myths about the regulation of legal practice. The first myth Ms. Welch recognized is that most members of the bar believe that the state bar is responsible for all attorney regulation. To the contrary, Ms. Welch pointed out that the state bar is generally involved in each element of attorney regulation, but it is not solely responsible. The second myth Ms. Welch identified is that many people think that Michigan regulates its attorneys similar to other jurisdictions across the United States. In fact, Ms. Welch noted that attorney regulation varies widely across jurisdictions.

Ms. Welch then discussed the three key areas of attorney regulation and the ways in which the State Bar of Michigan is active in each area:

1. Admissions

- Character and Fitness
- Bar Exam
- Reciprocity
- Special Licensing (e.g., corporate counsel and foreign counsel)
- Pro Hac Vice Admissions

2. Licensing

- Database, Credentialing
- Ongoing Licensing Requirements
 - Dues/fees, annual disclosures, avowals
 - IOLTA, insurance, foreign jurisdiction discipline, criminal convictions
 - Mandatory continuing legal education
- Unauthorized Practice of Law

3. Discipline

- Complaint Intake
- Investigation
- Hearings
- Adjudication
- Appeals
- Records Maintenance

Ms. Welch then compared Michigan's state bar model to that of other jurisdictions. Ms. Welch noted that 32 jurisdictions, including Michigan, have mandatory state bars, and another 3 states have both mandatory and voluntary bars. Ms. Welch explained that there is no standard model for the areas of regulation handled by mandatory state bars.

In closing, Ms. Welch presented a diagram outlining how each area of attorney regulation in Michigan fits within the jurisdiction of the Michigan Supreme Court.